

Message Text

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ACTION IO-14

INFO OCT-01 EUR-12 ISO-00 AF-10 ARA-10 EA-10 NEA-10
CIAE-00 DODE-00 PM-05 H-01 INR-10 L-03 NSAE-00
NSC-05 PA-01 SP-02 SS-15 ICA-11 ACDA-12 TRSE-00
OMB-01 SMS-01 SAS-02 /136 W
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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 3079
INFO AMEMBASSY MOSCOW
AMEMBASSY ROME

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E.O. 11652: NA
TAGS: UNGA, UR
SUBJECT: GENERAL DEBATE ON NON-USE OF FORCE:
STATEMENTS BY GDR AND ITALY

1. SUMMARY. GENERAL DEBATE CONTINUED IN THE SPECIAL COMMITTEE ON THE NON-USE OF FORCE ON THE MORNING OF AUGUST 30 WITH STATEMENTS BY AN OBSERVER--THE GERMAN DEMOCRATIC REPUBLIC--AND BY ITALY (FERRARI-BRAVO). THE GDR SPEAKER INDULGED IN A FORM LETTER PANEGYRIC TO THE SOVIET INITIATIVE AND DRAFT TREATY. THE ITALIAN STATEMENT WAS A DETAILED AND CLOSELY REASONED LEGAL BRIEF WHICH EXAMINED THE AMBIGUITIES AND POTENTIAL HARMFUL EFFECTS OF THE SOVIET INITIATIVE. END SUMMARY.

2. THE GDR OBSERVER FAITHFULLY SUPPORTED THE SOVIET INITIATIVE ON THE NON-USE OF FORCE. HE ASSERTED THAT THERE IS AN URGENT NEED TO DEFINE MORE PRECISELY AND CODIFY THE PRINCIPLE OF THE NON-USE OF FORCE, AND HE MAINTAINED THAT THE SOVIET DRAFT TREATY IS A "SUITABLE AND GENERALLY ACCEPTABLE BASIS" FOR CONTINUING WORK TOWARD
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CONCLUDING A WORLD TREATY ON THE NON-USE OF FORCE. HE DECLARED THAT SUCH A TREATY WOULD STRENGTHEN DETENTE, PROMOTE PEACEFUL COEXISTENCE, AND CONTRIBUTE TO THE ELIMINATION OF COLONIAL OPPRESSION. THE MOST ENTHUSIASTIC PORTION OF THE STATEMENT WAS AN IRRELEVANT EXPRESSION OF GRATITUDE THAT THE SOVIETS HAD LET A GDR CITIZEN RIDE IN A SPACESHIP.

3. ITALIAN REP FERRARI-BRAVO PRESENTED A DETAILED LEGAL BRIEF. HE STRESSED THAT THE PRINCIPLE OF PEACEFUL SETTLEMENT OF INTERNATIONAL DISPUTES IS "INEXTRICABLY RELATED" TO THE PRINCIPLE OF THE NON-USE OF FORCE, AND HE NOTED THAT THE COMMITTEE'S MANDATE REQUIRES CONSIDERATION OF BOTH PRINCIPLES. HE POINTED TO THE INEFFECTICACY OF THE KELLOGG-BRIAND PACT AND THE COLLAPSE OF THE LEAGUE OF NATIONS IN ARGUING THAT "A PEACE-KEEPING SYSTEM CANNOT BE REINFORCED AND ENHANCED EFFECTIVELY THROUGH THE MERE VERBAL REPETITION OF EXISTING INTERNATIONAL COMMITMENTS, BUT RATHER, THAT IT MUST BE COMPLETED THROUGH THE CAREFUL CONSTRUCTION OF APPROPRIATE MACHINERY FOR THE RAPID ENFORCEMENT OF EXISTING OBLIGATIONS." HE STRESSED THE IMPORTANCE OF STRENGTHENING THE POWERS OF THE SECURITY COUNCIL BY IMPLEMENTING TO THE FULLEST EXTENT ALL OF THE PROVISIONS OF CHAPTER VII OF THE CHARTER AND BY DEVELOPING THE SYSTEM FOR THE PEACEFUL SETTLEMENT OF DISPUTES OUTLINED IN CHAPTER VI OF THE CHARTER.

4. FERRARI-BRAVO ARGUED THAT IF THE OBLIGATION SET FORTH IN ARTICLE 2(4) OF THE UN CHARTER WERE TO BE RE-FORMULATED AS IN THE SOVIET DRAFT, "THERE WOULD BE A SUBSTANTIAL RISK THAT THE TWO FORMULAS MIGHT OVERLAP, BUT NOT COINCIDE, THUS OPENING THE WAY TO NEW PROBLEMS IN AN AREA IN WHICH EVEN SLIGHT DIVERGENCES IN THE WORDS USED TO DEFINE LIMITED OFFICIAL USE

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OBLIGATIONS COULD CAUSE A GREAT DEAL OF HARM." RATIFYING A TREATY WITH SUCH A RE-FORMULATION WOULD "MEAN EXPROPRIATING, TO SOME EXTENT, THE POWER OF THE SECURITY COUNCIL TO INTERPRET THE PRINCIPLE ITSELF WHILE DISCHARGING ITS RESPONSIBILITY FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY." THE ADOPTION OF SUCH A TREATY "WOULD RUN THE RISK OF ACCEPTING, IN A SUBTLE AND DISGUISED WAY, AN AMENDMENT TO THE CHARTER ITSELF." FERRARI-BRAVO EXPRESSED THE HOPE THAT THE COMMITTEE MEMBERS WOULD BECOME CONVINCED THAT THE BEST COURSE ON THIS ITEM WOULD BE TO DRAFT A GENERAL ASSEMBLY RESOLUTION RATHER THAN A TREATY.

5. ADDRESSING THE SOVIET DRAFT SPECIFICALLY, FERRARI-BRAVO NOTED THAT ARTICLE 1 "DOES NOT TAKE INTO ACCOUNT THE POSSIBILITY THAT A STATE MIGHT USE FORCE AGAINST ANOTHER STATE BY AIDING SUBVERSION FROM WITHIN THE TERRITORY OF THE LATTER" AND DOES NOT "STATE CLEARLY THAT THE EXERCISE OF THE RIGHT OF SELF-DEFENSE ...DOES NOT CONSTITUTE A CASE OF ILLICIT RECOURSE TO FORCE." HE ALSO NOTED THAT ARTICLE 3 "IS WORDED IN A VERY OBSCURE MANNER" AND SAID THAT HIS DELEGATION HAS NEVER

UNDERSTOOD THE MEANING OF THE RESERVATION REGARDING THE VALIDITY OF TREATIES "CONCLUDED EARLIER." HE NOTED THE SOVIET DRAFT'S "EXCESSIVELY VAGUE" REFERENCE TO THE PEACEFUL SETTLEMENT OF DISPUTES AND POINTED OUT THAT THE ENUMERATION OF PEACEFUL MEANS IN ARTICLE 2 IS INCOMPLETE IN COMPARISON TO ARTICLE 33 OF THE UN CHARTER.

6. FERRARI-BRAVO AFFIRMED HIS DELEGATION'S STRONG SUPPORT FOR ALL THE MEANS OF SETTLEMENT LISTED IN ARTICLE 33 OF THE CHARTER AND SUGGESTED THAT TWO POSSIBLE MEANS TO ENHANCE THEIR EFFECTIVENESS WERE: (1) A SYSTEM OF IMPARTIAL FACT-FINDING PROCEDURES WHICH WOULD HELP THE PARTIES TO A DISPUTE TO SETTLE THEIR DIFFERENCES

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ACTION IO-14

INFO OCT-01 EUR-12 ISO-00 AF-10 ARA-10 EA-10 NEA-10
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NSC-05 PA-01 SP-02 SS-15 ICA-11 ACDA-12 TRSE-00
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FM USMISSION USUN NEW YORK
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THROUGH NEGOTIATION AND (2) ENHANCING THE ROLE OF THE INTERNATIONAL COURT OF JUSTICE BOTH IN ITS CONSULTATIVE AND JUDICIAL FUNCTIONS.

7. OTHER POINTS RAISED BY THE ITALIAN REP INCLUDED THE IMPORTANCE OF ACHIEVING "CONSENSUALLY-AGREED

SOLUTIONS" ON THIS ITEM, THE POSSIBILITY OF COORDINATING
OR PERHAPS EVEN MERGING THE NON-USE OF FORCE EXERCISE
WITH THE CHARTER REVIEW DELIBERATIONS, AND THE PRELIMINARY
NATURE OF THE CURRENT DEBATE.

8. GENERAL DEBATE CONTINUES ON AUGUST 31. LEONARD

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Message Attributes

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